

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

CASE NO. 02-20691-CR-HUCK

Plaintiff,

vs.

FELIX BAUTISTA,

Defendant.

MOTION TO CONTINUE

COMES NOW the Defendant, FELIX BAUTISTA, by and through undersigned counsel and respectfully requests this Honorable Court grant this motion and would allege as follows:

1. The Defendant, FELIX BAUTISTA, was arrested and charged with possession with intent to distribute cocaine.
2. This matter is for a calendar call on Wednesday, September 18th and a two week trial period commencing Monday, September 23rd before the Honorable United States District Court Judge Paul C. Huck.
3. This is the first time this matter is scheduled for trial.

4. The discovery in this matter contains numerous taped telephone conversations as well as transcripts.

5. As of the date of the filing of this motion counsel has contacted Assistant United States Attorney Stephen Stallings who has advised he is in the process of completing the discovery package and will provide same to counsel within the next few days.

6. Additionally, counsel has had a busy schedule and without complete discovery it is impossible for counsel to adequately prepare for trial.

CONFLICTS

7. Counsel represents Arie Bizzle in the matter of State vs. Arie Bizzle, case numbers F00-14761 & F0019640 who is charged with two counts of murder in the second degree and is scheduled for trial on September 30th, 2002.

8. Counsel represents Albert Lerner in the matter of State vs. Albert Lerner, case number F01-4706 who is charged with murder in the first degree and is scheduled for trial on October 15th, 2002.

9. Counsel represents Ariel Jimenez in the matter of State vs. Ariel Jimenez, case number 00-1725CFMA who is charged with credit card fraud and has been scheduled for trial on November 12th, 2002. This matter has been specially set for trial on this date in that the witnesses will be coming in from out of town.

10. This motion is made in good faith, the best interest of justice, and not for any purpose of delay.

11. Counsel has contacted Assistant United States Attorney Stephen Stallings and he has advised he has no objection to this request.

12. Counsel has explained and the Defendant acknowledges that he has a right to a speedy trial. Counsel further advised the Defendant and the Defendant understands that any delay caused by the Defendant will be considered and is a waiver of his right to a speedy trial.

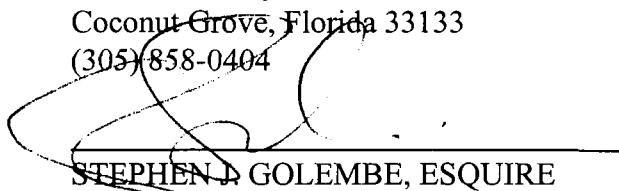
WHEREFORE, the Defendant, FELIX BAUTISTA, by and through undersigned counsel respectfully requests this Honorable Court grant this motion and continue this matter to the end of November, 2002.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was forwarded to Assistant United States Attorney Stephen Stallings, 99 Northeast 4th Street, Miami, Florida 33128, Oscar Arroyave, Attorney for Ana Carolina Rojas, 2601 South Bayshore Drive, Suite 1400, Coconut Grove, Florida 33133 and Reuben Garcia, Attorney for Jania Maria Hernandez, 1209 Southeast 3rd Avenue, Fort Lauderdale, Florida 33316 on this 16th day of September, 2002.

Respectfully submitted

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